

United States both before and after the tragic events of September 11. We are grateful to Kazakhstan for its unwavering commitment to strengthening stability in Afghanistan and Iraq.

Proudly, we share friendship based on common values of freedom and democracy. This fall we warmly welcomed to the United States the President of Kazakhstan, His Excellency Nursultan Nazarbayev, the architect of Kazakhstan's success and growing U.S.-Kazakhstan partnership.

Our cooperation has notably resulted in the elimination of weapons of mass destruction which Kazakhstan inherited from the Soviet Union, including hundreds of nuclear missiles aimed at the United States. President "Nazarbayev was instrumental in ridding his nation of this lethal legacy thus greatly enhancing global security.

In addition to supporting our arms control objectives, Kazakhstan has played a key role in promoting peace and stability in the region by initiating the summit of the Conference on Interaction and Confidence-Building Measures in Asia. This forum of 18 nations, including Russia, China, India, Pakistan, our NATO ally Turkey, Afghanistan and others provide a timely opportunity for Asian nations to address current challenges to international peace and stability and establish a framework to resolve them. I believe we should commend Kazakhstan for its vision and enormous efforts to bring about this new security forum for Asia.

Mr. Speaker, Kazakhstan is Central Asia's most progressive nation, positioned to set the example for democratic reform in this most important region. I cannot agree more with the Joint Statement by our two Presidents adopted during the recent visit of President Nazarbayev that "an enhanced strategic partnership between our countries will promote security and prosperity and foster democracy in the 21st Century."

THE LIFE OF JEANNE KIRKPATRICK

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. TIAHRT. Mr. Speaker, I rise to honor a great American, Ambassador Jeanne Kirkpatrick. Yesterday, the woman who worked diligently to bring peace to the world passed away peacefully in her sleep at the age of 80.

Ambassador Jeanne Kirkpatrick was one of America's foremost authorities on international relations. She was the first female U.S. ambassador to the United Nations and represented our nation honorably. She had unwavering moral convictions and stood up to the world's bullies. Her thoughts on communism through Iraq and Islamic terrorism were firm and clear, just as she was.

My wife Vicki was in the same bible study as Ambassador Kirkpatrick and I had the privilege of meeting her on several occasions. She was an elegant woman with a quiet confidence. This country has lost a great patriot.

The world is a better place because of Jeanne Kirkpatrick. Her work will continue to live on in all those she touched and in those they have touched. God Bless Jeanne Kirkpatrick and her family.

GUIDELINES FOR APPLICATION OF PROVISIONS DESIGNATED AS EMERGENCIES, CONTINGENCY OPERATIONS, OR UNANTICIPATED DEFENSE-RELATED OPERATIONS

HON. JIM NUSSLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. NUSSLE. Mr. Speaker, pursuant to the provisions of House Concurrent Resolution 376, I am transmitting this document titled "Guidelines for the Application of Provisions Designated as Emergencies, Contingency Operations, or Unanticipated Defense-related Operations." It sets forth an explicit explanation of the characteristics of spending that is appropriately exempted from the enforcement controls of the Congressional Budget Act.

This report is required under the terms of House Concurrent Resolution 376, which is currently in effect as a concurrent resolution on the budget in the House for fiscal year 2007, deemed in force under the provisions of House Resolution 818.

GUIDELINES FOR APPLICATION OF PROVISIONS DESIGNATED AS EMERGENCIES, CONTINGENCY OPERATIONS, OR UNANTICIPATED DEFENSE- RELATED OPERATIONS

SUMMARY

The fiscal year 2007 budget resolution, H. Con. Res. 376, sets forth three categories of spending that are treated by Congress under special procedures outside the normal budget process: domestic emergencies, defense-related emergencies, and contingency operations directly related to the global war on terrorism. The first of these, domestic emergencies, has a special reserve fund to finance emergency spending priorities, such as unforeseen natural disasters that tend to occur nearly every year. The remaining two categories—defense-related emergencies and terror-related response contingency operations—are exempted from normal controls due to the special nature of each.

Although Congress did not reach a conference agreement on the budget resolution, the House did deem the House-passed resolution to be in force for all purposes of the Congressional Budget Act. The general definition of an emergency, as spelled out in the budget resolution, is not new: its terms have long been employed by the administration's Office of Management and Budget [OMB], and have been carried in previous budget resolutions. What is new is the enhanced discipline, called for by the resolution, in applying these terms to the three special categories of spending cited above. Section 503 of the resolution includes the following mandate:

"In the House, as soon as practicable after the adoption of this resolution, the chairman of the Committee on the Budget shall, after consultation with the chairmen of the applicable committees, and the Director of the Congressional Budget Office, prepare guidelines for application of the definition of an emergency and publish such guidelines in the Congressional Record, and may issue any committee print from the Committee on the Budget for this or other purposes."

This discussion, therefore, provides guidelines for the application of these spending categories.

DEFINITION AND GENERAL GUIDELINES FOR EMERGENCY SPENDING

Section 502 of the Concurrent Resolution on the Budget for Fiscal Year 2007 estab-

lishes in general terms the definition of spending that is appropriately designated as an emergency. Although these guidelines may be used to apply to "unanticipated" defense-related emergencies, they aim principally to help determine what domestic priorities are eligible to be funded through the reserve fund established by the budget resolution, and to define an "emergency" in general.

The term "emergency" is important because any spending so designated escapes the regular controls applicable to all other spending. But the definition, and the guidelines below, are not intended to judge the policy importance of any given emergency spending; that is for the Appropriations Committee and the Congress in general to determine. It is rather to identify general characteristics of such spending that identifies it as meriting special procedures exempting it from the normal congressional budget process.

There are two essential components to the application of this designation: that an "emergency" concerns a threat to life, property, or national security; and that the event was "unanticipated." The definition also asserts that funding in response to an emergency should be temporary in nature.

The applicable text in the resolution fleshes out these terms, and is largely self-explanatory. It reads as follows:

"(1) The term 'emergency' means a situation that—

"(A) requires new budget authority and outlays (or new budget authority and the outlays flowing therefrom) for the prevention or mitigation of, or response to, loss of life or property, or a threat to national security; and

"(B) is unanticipated.

"(2) The term 'unanticipated' means that the underlying situation is—

"(A) Sudden, which means quickly coming into being or not building up over time;

"(B) Urgent, which means a pressing and compelling need requiring immediate action;

"(C) Unforeseen, which means not predicted or anticipated as an emerging need; and

"(D) Temporary, which means not of a permanent duration."

An example of "emergency" spending that was "unanticipated" was the major California earthquake of January 1993. The Emergency Supplemental Appropriations Act of 1994 (Public Law 103-211, 12 February 1994). The measure provided \$376.1 million to programs of the Department of Agriculture, such as for Watershed and Flood Prevention Operations. In contrast, there were attempts to declare the funding for the 2000 Census required by the Constitution as an emergency. This clearly would have been an abuse of the designation: The census has been required every ten years for over two centuries.

An example of "urgent" funding needs appeared in the response to Hurricanes Fran and Hortense and other disasters, Public Law 104-208. The measure provided \$88 million for U.S. Department of Agriculture [USDA] flood assistance programs, including \$63 million for Watershed and Flood Prevention Operations, and \$25 million for the Emergency Conservation Program. Had the funding been delayed until the next budget cycle, the consequences of the hurricanes would have been irreparable, in Congress's judgment.

The term "unforeseen" applies to funding for activities that could not be anticipated as an emerging need and are over and above the aggregate level of anticipated emergencies that are normally estimated in advance. A good example of an unforeseen emergency is the terrorist attacks against New York and Washington, D.C. on 11 September 2001.

The term “temporary” means that emergency spending should not in general be for multiple fiscal years or in general be for permanent new entitlements. For example, the Emergency Supplemental Appropriations Act of 2006 (Public Law 109–234, 15 June 2006) included \$55 million for USDA to repair its own damaged facilities. Such spending was to respond to Hurricane Katrina and was for a purpose that was not recurring—and was directly related to the property destruction caused by the hurricane.

Emergencies are divided into three categories: nondefense-related, defense-related, and spending related to the Global War on Terrorism. These categories are described at length below, but a general summary is as follows:

Nondefense-related emergencies are chiefly, but not always, associated with natural disasters such as hurricanes, droughts, or earthquakes. The resolution creates a new reserve fund to anticipate such events. The fund and its application are further discussed below.

Defense-related spending, if unanticipated, is, in effect, excepted from the Congressional budget process. This is established in section 402 of H. Con. Res. 376.

Budget authority needed for the “Global War on Terrorism” includes spending for the security of the United States and for military operations in Iraq and Afghanistan.

The emergency designation should only be used as follows:

The designation should be used when preparing appropriations language and should be specific to each appropriation account for which the designation will be used. If not designated specifically as emergency under Section 402 or 501 of the Budget Resolution, the appropriation will be scored against the subcommittee’s 302(b) discretionary budget totals for the year.

The designation is not to be used as a relief valve for regular appropriations to circumvent 302 allocations. In other words, this designation should not be used to artificially deflate regular budget requests. It is to be used for unknowns. If a known program requires known funding at the time of the regular appropriations, it should not be treated as an emergency.

The appropriations subcommittee will designate funding as emergency when identifying the appropriation. The President may request the funds as emergency or as contingent emergency, but that request is non-binding and the subcommittees may appropriate funds with or without the designation as is appropriate. The Office of Management and Budget is the arbiter of what is or is not designated as an emergency in the request. OMB’s guidance in its Circular A–11 to the Agencies on this matter is fairly loose and mentions emergencies only in the context of supplemental requests. The guidance lists an “emergency” as one of the rationales for a supplemental stating that a supplemental is appropriate when: An unforeseen emergency situation occurs (e.g., natural disaster requiring expenditures for the preservation of life or property).

The emergency designation is legislative language that falls within the primary jurisdiction of the Committee on the Budget. In addition, the Budget Committee enforces the allocation of spending authority given to each Congressional Committee. If the Appropriations Committee includes language designating a provision of spending as an emergency, the Budget Committee adjusts this general allocation by an equal amount. Be-

cause this does not automatically cause a corresponding increase in the suballocations that the Appropriations Committee distributes to each of its subcommittees (and which must equal the general allocation), it must act to revise that suballocation for a bill or amendment to escape a point of order under 302(f) of the Budget Act which prohibits the consideration of measures breaching the permissible levels of spending.

The Budget Committee does not, as a matter of course, validate that all funds designated emergency meet the criteria outlined above for amounts within the non-defense reserve fund—the adjustments are automatic once the designation is placed in the legislative text. Once the reserve fund is exhausted, and adjustments are required above the amount set aside for nondefense emergencies (\$6.45 billion for fiscal year 2007), the committee must meet in open session to consider whether the additional amounts designated should be accommodated by an additional adjustment in the allocation to the Appropriations Committee. In the meeting, the amount by which the allocation should be raised is open for amendment—though it is not in order to raise the amount above the level designated as an emergency in the bill to be considered on the floor of the House.

NONDEFENSE EMERGENCY RESERVE FUND

Section 501 of the budget resolution creates an emergency reserve fund that effectively caps the overall amount that can be used for nondefense domestic emergencies (such as natural disasters). Funding beyond the reserve amount may be provided only if the Budget Committee meets and approves an increase in the cap.

The concept of the emergency reserve fund is not unlike a colloquial “rainy-day fund.” It does not attempt to predict any specific natural disaster. Instead, it recognizes that natural disasters of some kind—whether hurricanes, forest fires, floods, or others—occur in the United States nearly every year; the reserve sets aside an amount of funding in advance to address such needs, should they arise. The amount in the fund is based on historical experience. It does not assume to anticipate extraordinary disasters, such as Hurricane Katrina; it would be impractical and impracticable to set aside funds of that magnitude for events that are so rare.

GUIDELINES FOR BUDGET AUTHORITY FOR THE GLOBAL WAR ON TERRORISM

This section (section 402) exempts from the Congressional Budget Act and its enforcement provisions only those spending provisions that meet the following definitions:

(a) General contingency operation: A provision designated as a contingency operation related to the global war on terrorism may be either:

Defense-related; or
Nondefense-related.

(b) Defense-related contingency operation: A provision designated as a defense-related contingency operation:

May be for spending directly related to an immediate response to a terrorist attack by the Department of Defense, whether domestic or international;

May be for spending directly related to the costs of Operation Iraqi Freedom or Operation Enduring Freedom;

May be for spending that also meets the definition of an “unanticipated defense-related operation” described in this committee print;

May not be for spending for routine military expenditures not specifically caused by

or directly related to Operation Iraqi Freedom or Operation Enduring Freedom. It is not appropriate to use the designation to fund special interest projects that could be addressed in the normal appropriation process.

(c) Nondefense-related contingency operation: A spending provision designated as a nondefense-related contingency operation:

May be for any immediate nondefense response to a terrorist attack, whether domestic or international;

May not be for nondefense-related spending predominantly required to respond to unanticipated criminal law enforcement needs, except for nondefense terrorism-related spending;

May not be used to offset spending on projects or earmarks that are anticipated and should be in regular spending bills.

(d) Terrorism-related spending: Both defense and nondefense “terrorism-related spending” includes, but is not limited to, immediate responses to terrorist attacks carried out by individual terrorists or terrorist organizations to either domestic or international interests of the United States [or other applicable nation-states or international organizations]. Terrorism-related spending does not include legislative or appropriations provisions intended to reduce, prevent or mitigate future terrorist attacks that could adequately be addressed in the normal authorizing and appropriations process (that is unless the measure in question is in response to a need that has arisen subsequent to the passage of the budget resolution).

(f) Terrorist attack: A “terrorist attack” is the use or threatened use of force or violence to civilian or military persons, buildings, installations or other property [people or property] carried out by an individual or organization; and

Is not carried out by an internationally recognized nation-state;

May be the result of state-sponsored terrorism.

FURTHER GUIDELINES FOR THE DESIGNATION OF UNANTICIPATED DEFENSE-RELATED OPERATIONS

Unanticipated Defense-related spending may be:

For defense facilities damaged by natural disasters, or

For a response to natural disasters that entails the use of military resources; or

For all costs associated with the national defense that can not be accommodated through the normal appropriations process.

OTHER GENERAL DEFINITIONS

(a) Defense-related spending: “Defense-related” means spending from provisions from accounts within function 050—National Defense.

(b) Nondefense-related spending: “Non-defense-related” means spending from provisions from accounts not within function 050—National Defense.

(c) Directly related: “Directly related” means the direct relation between the spending designated under this section and the response to an activity that would not be necessary were general contingency operations as described in this committee print not required. For instance crop and livestock disaster assistance should not be available to those not directly affected by the disaster but who happen to live in the same geographic region that was generally impacted.

TRIBUTE TO THE HONORABLE
LANE EVANS, MEMBER OF CON-
GRESS

SPEECH OF

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to pay tribute to my colleague and treasured friend, LANE EVANS. As the 109th Congress comes to an end so, too, does the remarkable 24-year tenure in the House of Representatives of one of the bravest and most decent members to have served in this body.

I had the privilege of working in LANE EVANS' first campaign in 1982. At the time LANE declared his candidacy, he was considered a sacrificial lamb running against a well-entrenched Republican incumbent. His was a pipe dream—except to the many labor union workers, consumer and civil rights activists, and ordinary residents of this western Illinois district who saw something special in this young, legal assistance attorney.

When the incumbent lost his primary election to a State Representative from the far right wing of the party, LANE EVANS' campaign gained momentum and this young Democrat became the Congressman, the first Democrat to do so since the Civil War.

In the first campaign, LANE spent lots of time with his young volunteers. After all, he wasn't much older than they. He sported a Beatle-like bowl hair cut that he maintained until rather recently, resisting all good-natured recommendations for a style update. He was modest, unassuming, friendly, and also inspiring. He showed a humble respect for each and every voter, addressing them in the soft-spoken, sincere manner that he never lost. The quiet strength that came from being a United States Marine during the Vietnam era always shone through.

From the first day and throughout his career in the House, LANE EVANS remained true to his core progressive beliefs. The working and retired men and women of his district and the veterans throughout the nation could always count on LANE EVANS being there for them—no excuses, no exceptions. Environmentalists named him an "Environmental Hero."

There were those who encouraged LANE to trim his positions in order to ensure his reelection. In the end, his consistency proved to be a great asset, appreciated by his constituents who always knew exactly where he stood and who trusted that LANE would not bend with the changes in the polls.

As the Ranking Democrat of the House Veterans' Affairs Committee, LANE EVANS is recognized as the leading advocate of veterans in Congress, responsible for legislation to compensate veterans and their families for the effects of Agent Orange, help Persian Gulf and women veterans, and those now returning from Iraq and Afghanistan. The veterans' service organizations have honored Lane with their highest awards.

LANE EVANS has always been a leader in the fight for universal health care. Parkinson's disease has forced him to end his productive service in the House. Even now, however, he acknowledges how fortunate he is to be able to afford the best care, while so many Americans are not. He has become an advocate for

expanding funding for research into the cure for Parkinson's and many other diseases that might benefit from government-funded embryonic stem cell research. As in all things at all times, LANE EVANS is handling this newest challenge with courage and dignity.

On a personal note, LANE EVANS has been a close and dear friend to me and my husband, Bob Creamer, since that very first campaign in 1982. That friendship, through thick and thin, has been and will always be so precious to us. We are grateful to LANE for being such an important part of our lives. We love him very much.

LANE EVANS will be sorely missed on a day-to-day basis in this House of Representatives, but his legacy will ever be reflected in the improved lives of the veterans of the United States and all the working families who will continue to benefit from his outstanding service.

TRIBUTE TO THE MENOMINEE
MAROONS

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to the Menominee Maroons, my hometown high school football team that has demonstrated tenacity, courage and skill. Two weeks ago, the Maroons brought the Division 5 state football championship home to Menominee. The team qualified for the state championship after going undefeated in the regular season with a record of 9–0. Equally impressive, in five playoff games, the Menominee Maroons allowed only one touchdown, outscoring their opponents 201 to 6! The Maroons enjoy the distinction of being just the third team to shut out four playoff opponents. Also notable: this year's Menominee Maroons broke the school's previous single-season scoring record of 539 points in a season.

Head Coach Ken Hofer deserves much of the credit for shepherding his team to such success. Coach Hofer has the tenth winningest record in the state of Michigan: 266–122–2. This is the second championship that his teams have brought back to Menominee, having also won the Class BB title in 1998.

In some ways, Coach Hofer and his style of football harken back to an earlier era. Coach Hofer has been at the helm of the Menominee team for 38 years and during that time he has run the unique, "single-wing" offense that is reminiscent of 1940s football. Under this offense, no one player on Menominee's offensive backfield is a "traditional quarterback" as each of the four "backs" may run or pass the ball. This unique formation has successfully confused opponents around the state and allowed Menominee to achieve its solid winning record. Under the single-wing offense, the center makes a direct snap on each play to a player in the backfield. Unlike under the more commonly seen shotgun formation, the center snaps the football to a player who may not be directly behind him. Despite this irregular technique, Menominee saw hardly any turnovers throughout the season, which can be attributed to the team's unrelenting practice. Ultimately, the single-wing formation relies more heavily on teamwork than other formations.

Menominee's single wing offense is taught throughout the Menominee area public school system, starting in 9th grade by Coaches Jeff Bayerl, Mark Bayerl and Jim Anderla. Maroons Junior Varsity is coached by Greg Langlois and Dave Mathieu. These freshman and junior varsity coaches are also part of the "scouting team," which traveled over 5,000 miles this past season to see and learn opponents' strengths and weaknesses in preparation for each Maroon victory.

I would be remiss if I did not discuss the defense of the Maroons and their shutout performance through the playoffs and their efforts to hold Madison Heights, their state final opponents, to six points. Equally important, the Maroons held their opponents to just 38 points during the entire regular season. In the 9 games of the regular season, the Menominee Maroons outscored their opponents 332–38, truly an astonishing feat. Menominee's performance in the championship game built upon this strong showing. The Maroons outgained Madison Heights 442 yards to 232, despite Madison controlling the clock by almost 10 more minutes.

Mr. Speaker, I ask that you and the entire U.S. House of Representatives join me in saluting the 2006 Menominee Maroons football team of Brian Boye, Tom Janson, Ethan Shaver, Nathan Shaver, David Oczus, Matt LaCanne, Dustin Kovar, Austin Fernstrum, Jacob McMahon, Bryan Colvin, Matt Eisenzoph, Robert Forgette, Mike Hansen, Derek Rye, Blake Chouinard, Scott Demars, Aaron Thomsen, Ryan Paliewicz, Anthony Polazzo, Josh Johnson, Tom Carriveau, Zac Robertson, Sam Piche, Ian Rider, Brian Smith, Tyler Blom, Donald Jones, Steve Busick, Josh Blavat, Andrew Whipp, Nathan Linsmeier, Justin Ketchum, Brian Busick, Joe Klitze, Kert Roubal, Trevor Powell, Jacob Pedersen and Cody Woods. I would also ask that you join me in honoring the Assistant Coaches "Satch" Englund, Joe Noha and Jamie Schomer who helped drive this team to victory as well as Managers Jared Thiesen and Bobby Olsen. Athletic Trainers Derek Butler and Dr. Michael Karkkainen and Athletic Director Dale Van Duinen should also be recognized for their contributions to the Maroons' success.

Of course, Head Coach Ken Hofer has earned the thanks, respect and admiration of all of Menominee, not only for this season, but for the 38 that preceded it. Coach Hofer has done great work in bringing out the best in his players. Coach Hofer said of this year's Menominee Maroons, "These young men came to practice every day, and I don't mean just show up. They came to practice hard. And in every game they went all out."

The 2006 Menominee Maroons football team members are also champions off the field. Menominee football is more than just passing, punting, running, kicking and tackling; it is about developing the "inner athlete". Coach Hofer and his entire staff know that the lessons of life can be learned on the gridiron. Coach Hofer often talked about the team's "focus". This team's dedication, commitment and focus are why so many Maroon fans followed, supported and believed in their team. The 2006 state champion Menominee Maroons have clearly learned the lessons of life embodied in what another well respected Menominee County coach, the late Dale Fountain, often stated: